



# City of Annapolis

## Department of Planning & Zoning

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## Planning Commission

January 21, 2015

The Planning Commission (PC) of the City of Annapolis held its regularly scheduled meeting on January 21, 2015 in City Council Chambers. **Chair** Herald called the meeting to order at 7:03p.m.

**Commissioners Present:** **Chair** William Herald, **Vice Chair** David Iams, David DiQuinzio, Robert Waldman, Benjamin Sale

**Commissioners Absent:** Dr. Eleanor Harris

**Staff Present:** Peter Gutwald, Thomas Smith, Maria Broadbent, Frank Biba

### C. APPROVAL OF AGENDA

Mr. DiQuinzio moved approval of the agenda as revised to add an agenda item after Item G. to discuss the public posting of the PC materials. Mr. Iams seconded the motion. **Passed 5-0.**

### D. APPROVAL OF MINUTES

#### **December 4, 2014 Meeting Minutes**

Mr. Sale moved approval of the December 4, 2014 meeting minutes as written. Mr. DiQuinzio seconded the motion. **Passed 3-2.** (Waldman and Iams dissents)

### E. ANNUAL ELECTION OF OFFICERS

Mr. DiQuinzio nominated Mr. Herald to continue to serve as **Chair** of the Planning Commission for one more year. **Vice Chair** Iams seconded the motion. **Passed 5-0.**

**Chair** Herald nominated Mr. Iams to continue to serve as **Vice Chair** of the Planning Commission for one more year. Mr. DiQuinzio seconded the motion. **Passed 5-0.**

### F. 2014 ANNUAL REPORT

**Chair** Herald noted that the 2014 Annual Report has been submitted in order to meet the time schedule however, if members have any changes, an amended report can be submitted. He thanked Dr. Nash and Ms. Hook for their work on the report.

Mr. Waldman moved to approve the Planning Commission 2014 Annual Report as written. **Vice Chair** Iams seconded the motion. **Passed 5-0.**

### G. APPROVAL OF FINDINGS AND OPINIONS

There were none.

## **Communications**

**Chair** Herald discussed an interest in having the PC's meeting materials posted on the website so that members of the public are able to review what was submitted at the meeting. A brief discussion ensued and Mr. Waldman stated that a member of the PC should be available to discuss anything that the PC does that goes before the Council. Mr. DiQuinzio believes that if the materials are submitted electronically that it may improve the Planning Commission's visibility.

## **H. PUBLIC HEARING**

### **1. Ordinance O-32-14 – Forest Conservation Requirements**

Mr. Biba gave an overview of the Ordinance O-32-14 stating that the State passed the Forest Conservation Act in 1992 and the City adopted the law by reference specifically the law relating to natural resources. He explained that the City did not adopt the model ordinance which was part of the Forest Conservation Act. He stated that the appeals process is not well defined in the State law specifically the City's processes are not referenced well which can be problematic. The City Council established a Forest Conservation Working Group in June 2012 to review the model ordinance for revisions and the final form was submitted to the City Council in April 2013. This legislation was withdrawn for lack of action at the end of Mayor Cohen term and a new ordinance was submitted. Ordinance O-32-14 is a take off of the State model ordinance with amendments. Mr. Biba detailed the differences between the State model ordinance, Ordinance #O-32-14 and staff's opposition to #O-32-14 as currently drafted.

Mr. Smith briefly discussed his written comments regarding the review of Ordinance O-32-14 as detailed in his summary dated January 15, 2015. Planning and Zoning identified some potential conflicts between the proposed Ordinance #O-32-14 and Title 21.

Public testimony opened at 9:01pm and those speaking on the application are listed below.

<b>Name</b>	<b>Address</b>	<b>In Favor</b>	<b>In Opposition</b>	<b>Commented On</b>
Alderman Littman	Ward 5			<b>X</b>
Alderman Arnett	Ward 8			<b>X</b>
Alan Hyatt	200 Westgate Circle			
Marshall Breines	90 Post Rd. West Westport, CT 06980	<b>X</b>		
Fred Delavan	170 Jennifer Road			<b>X</b>
Eileen Powers	170 Jennifer Road			
Paul Murphy	105 Northwest			<b>X</b>
David Prosten	3120 Munk Drive			<b>X</b>
Rob Savidge	12 Windwhisper	<b>X</b>		
Diane Butler	407 Third Street			<b>X</b>

No one else from the public spoke in favor or opposition to the ordinance so **Chair** Herald closed the public testimony at 10:34pm.

**Chair** Herald accepted the following exhibits into the record.

<b>Exhibit Number</b>	<b>Planning Commission Exhibit Type</b>
<b>1</b>	DNEP Staff Report dated 1/14/14
<b>2</b>	P&Z Staff Comments dated 1/15/15
<b>3</b>	A. Hyatt Letter – Hyatt & Weber dated 1/21/15
<b>4</b>	E. Lutz Letter – Chesapeake Bay Found. dated 1/21/15
<b>5</b>	M. Burlbaugh Letter – Elm Street Dev. dated 1/21/15
<b>6</b>	M. Breinis Forest Conservation Act Submittal 11/13/14
<b>7</b>	M. Breinis Forest Conservation Act Submittal

Exhibit Number	Planning Commission Exhibit Type
8	J. Arason Comments
9	Alderman Littman Email Undated

The PC decided that the best course action is to inform the City Council that revisions to Ordinance #O-32-14 are necessary and Mr. Waldman will be preparing findings that detail these suggested revisions for the PC's review at its February 5, 2015 meeting.

Due to the lateness of the hour, Mr. DiQuinzio moved to defer the remaining agenda items to its February 5, 2015 meeting. Mr. Iams seconded the motion. **Passed 5-0.**

**2. Resolution, #R-38-14 – Forest Conservation Act Fees and Fines**

This agenda item was deferred to the February 5, 2015 meeting.

**3. O-35-14 Planning Commission Member Qualifications**

This agenda item was deferred to the February 5, 2015 meeting.

**I. ADJOURNMENT**

With there being no further business, Mr. Sale moved to adjourn the meeting at 11:02pm. **Vice Chair** Iams seconded the motion. **Passed 5-0.**

**The next meeting is scheduled for February 5, 2015 at 7:00pm.**

Tami Hook, Recorder